

CLEAN AIR ACT7-38. Prevention of Significant Deterioration:  
Administrative Enforcement

1. AUTHORITY. Pursuant to the Clean Air Act (CAA), to issue orders to prevent construction of a major emitting facility which does not conform to the requirements of Part C, Title I of CAA, or which is proposed for construction in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and which is not subject to an implementation plan which meets the requirements of Part C, Title I.

2. TO WHOM DELEGATED. Director, Air Protection Division (APD); and the Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).

3. LIMITATIONS.

a. The delegatee must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before exercising the above authority.

b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee must notify the Regional Administrator or his/her designee before exercising the above authority.

c. The Assistant Administrator for Enforcement and Compliance Assurance may waive his/her consultation requirements by memorandum.

d. The Director OECEJ may exercise the above authority only in multi-media cases.

e. The Director OECEJ must consult with the APD designee before exercising the above authorities.

f. The delegates must obtain the concurrence of the Regional Counsel or his/her designee before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

10/26/99

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5. ADDITIONAL REFERENCES.

a. Injunctive relief is covered by the Chapter 7 delegations entitled ACivil Judicial Enforcement Actions@ and AEmergency TRO=s.@

b. Section 167 of CAA.

6. SUPERSESION. Delegations Manual, CAA, Regional Delegation 7-38. Prevention of Significant Deterioration: Administrative Enforcement, 1200 TN RIII-114 (October 3, 1996).

Date 10/26/99

/s/ Thomas C. Voltaggio

W. Michael McCabe

Regional Administrator